



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,042	03/18/2004	Saket Kumar	SONY-27200	7982
7590 10/06/2008				
Jonathan O. Owens				
HAVERSTOCK & OWENS LLP				
162 North Wolfe Road				
Sunnyvale, CA 94086				
EXAMINER				
JEAN, FRANTZ B				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
10/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,042

Applicant(s)

KUMAR, SAKET

Examiner

Frantz B. Jean

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This office action is in response to applicant's arguments filed on 03/07/08. Claims 1-28 are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamkin et al. hereinafter Lamkin US pup 2006/0159109.

As per claim 1, Lamkin teaches a method of locally storing content available from one or more remote source devices within a network of devices (fig 1) comprising: identifying and selecting content from a remote source device (0048, 0051 and 0056); requesting a transfer of the content from the remote source device (0049-0052); storing the content received from the remote source device within a local media cache thereby forming a

local content copy (0051-0054); providing the local content copy for playback and transfer to a portable device (0049); and receiving user defined preferences and criteria of content to be selected (0056); wherein identifying and selecting content is performed automatically based on the user-defined preferences and criteria (0056-0059).

As per claim 2, Lamkin teaches a method as claimed in claim 1 wherein a user is involved in identifying and selecting content from a remote source device (0048, 0056).

As per claim 3, Lamkin teaches a method as claimed in claim 1 wherein identifying and selecting content is performed periodically based on the user defined preferences and criteria (0048 and 0056).

As per claim 4, Lamkin teaches a method as claimed in claim 1 further comprising storing metadata information regarding the content received from the remote source device in a database corresponding to the content (0059).

As per claim 5, Lamkin teaches a method as claimed in claim 4 wherein the metadata information is obtained from the source device of the content (0056-0059).

As per claim 6, Lamkin teaches a method as claimed in claim 1 wherein the network of devices includes devices that are UPnP enabled (0054, 0056).

As per claims 7-28, they are apparatus and system of the method claims 1-6. Therefore, they are rejected under the same rationale.

Response to Arguments

Applicant's arguments filed 03/07/08 have been fully considered but they are not persuasive.

Applicant argued that Lamkin reference is not prior art to the application.

Examiner respectfully submits that Lamkin has a provisional application dated December 19 2003, which is before the filing date of the application (see 60/531,565).

The provisional application is in the same field of endeavor with the present application, which is media content. Furthermore, non-provisional application provides material and languages in the specification that are relevant to the present application (see 60/531,565). Although the examiner did not use the non-provisional application to formulate the rejection, however, due to some pertinent references that are very close in similarity in regard to Lamkin "109" and non-provisional "565" examiner has used Lamkin in the previous office action. If applicant would like to discuss this matter a little bit further, applicant can call the examiner to schedule an interview. Accordingly, the rejection is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantz B. Jean/
Primary Examiner, Art Unit 2154